

To: Tim Farley

February 20, 1997

From: Pete Chadwick

Subject: Fish Screen Criteria and Assurances Policies

The CALFED program continues to struggle with these policies which I have talked over several times with you and your staff. I continue to be a messenger. A couple of CALFED meetings ago Jim Lecky volunteered to take responsibility for drafting such proposed policies. I do not know exactly what transpired subsequently, but it was on the agenda again yesterday at a CALFED directors meeting. I checked with Alan Baracco who told me that your folks had not seen drafts.

At the CALFED meeting, Wayne White passed out the attached drafts. He stated that he had drafted them himself. At least for the criteria policy, he characterized his effort as being the result of not getting a product from the technical group that he considered satisfactory. A motivating factor for the assurances policy proposal is that their (and I think NMFS') legal staffs have had difficulty coming up with a satisfactory approach to meeting the Secretary's no surprise pledge. You will see that their proposal is for DFG or the Northern Calif Water Agency to apply for an HCP. Ryan Broderick's immediate reaction was skepticism that we could find an effective enforcement mechanism. There was also considerable discussion as to the nature of assurances being sought. i. e. protection against additional criteria resulting from future listing of other species, against additional screening costs, and/or against future restrictions on the amount of water they can divert.

Wayne was clear in stating that his proposal was not coordinated with DFG and not fully coordinated with NMFS.

The decision at the meeting was that other agencies should comment to Wayne and Jim Lecky on the drafts, so they could consider revisions and report back to the CALFED Management meeting in March. DFG was singled out as an agency that it was particularly important to hear from.

Ryan Broderick asked me to transmit this information to you and ask that your staff respond through him. To achieve the objective of providing for some response at the March management meeting, the end of the first week in March seems reasonable for our comments, but you folks should certainly feel free to discuss this and anything else with Ryan. (A separate page on "Existing Programs" was passed out at the meeting. I did not get a copy. You can see where it fits in the draft. I am sure Wayne's staff could fax a copy.)

cc. Ryan Broderick

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